

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

August 7, 2008

No. 07-11225
Summary Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

PARNELL TOMMYLEE BROOME, JR

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:06-CR-224-ALL

Before STEWART, OWEN and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Parnell Tommylee Broome, Jr., was convicted of one count of bank robbery and was sentenced to serve 169 months in prison. Broome appeals his sentence. Under the discretionary sentencing system established by *United States v. Booker*, 543 U.S. 220 (2005), district courts retain the duty to properly calculate and consider the applicable sentencing range under the Sentencing Guidelines, along with the sentencing factors set forth in 18 U.S.C. § 3553(a), when

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

fashioning a sentence. *United States v. Mares*, 402 F.3d 511, 518-19 (5th Cir. 2005). When reviewing a sentence, we typically consider whether the district court committed significant procedural error at sentencing and whether the sentence imposed is substantively reasonable. See *Gall v. United States*, 128 S. Ct. 586, 594, 597 (2007). Further, the district court's sentencing decision is ultimately reviewed for an abuse of discretion. *Id.* at 594.

Broome argues that the district court committed procedural error at sentencing by starting at the top of the applicable guidelines range when choosing his sentence. Our examination of the record shows no significant procedural error in connection with Broome's sentence. Accordingly, the judgment of the district court is **AFFIRMED**.